

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEONARD R. KAHN,

Plaintiff,

08 Civ. 11368 (JGK)

- against -

OPPENHEIMER & CO., INC., ET AL.,

MEMORANDUM OPINION
AND ORDER

Defendants.

JOHN G. KOELTL, District Judge:

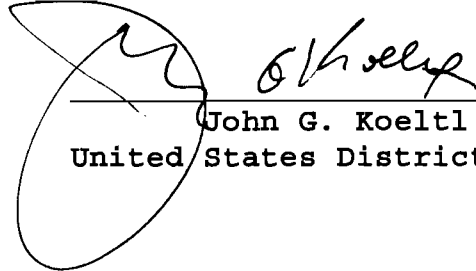
Counsel for the State of Florida has filed a "Limited Notice of Appearance of Counsel for State of Florida" for the purpose of informing the Court that it lacks personal jurisdiction over the State of Florida and that the action is barred by the Eleventh Amendment to the United States Constitution. Indeed, it is well-established under the Eleventh Amendment that "an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State." Edelman v. Jordan, 415 U.S. 651, 662-63 (1974); see also Kentucky v. Graham, 473 U.S. 159, 169 (1985); Davis v. New York, 316 F.3d 93, 101 (2d Cir. 2002).

Because the Eleventh Amendment bar against suits against a State is a sufficient basis to dismiss the plaintiff's claims against the State of Florida, the Court need not address whether the Court has personal jurisdiction over the State of Florida. The plaintiff's claims against the State of Florida are

therefore dismissed with prejudice.

SO ORDERED.

Dated: New York, New York
February 19, 2009



John G. Koeltl
United States District Judge